

**HOUSE JOURNAL
58TH LEGISLATURE
THIRTY-EIGHTH LEGISLATIVE DAY**

Helena, Montana
February 20, 2003

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair.

Roll Call. All members present, except Representatives Bixby and Jent, excused. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journals for the thirty-first, thirty-second, thirty-third, and thirty-fourth legislative days, find the same to be correct.

Bookout-Reinicke, Chair

SPECIAL ORDERS OF THE DAY

Sergeant-at-arms Clark escorted the Senate into the House chamber.

Speaker Mood recognized President Keenan and yielded the chair to him.

Senate Majority Leader Thomas moved the body resolve itself into a joint session for the purpose of receiving the address from Montana's U.S. Senator, The Honorable Conrad Burns. Motion carried.

Senate Majority Leader Thomas moved the President be authorized to appoint a committee of four to notify the Honorable U.S. Senator Burns that we are in joint session and ready to receive his address. Motion carried.

The President appointed Senator Barkus, Senator Tropila, Representative Gillan and Representative Fuchs to escort The Honorable U.S. Senator Burns into the House chamber.

Sergeant-at-arms Cramer admitted the escort committee and U.S. Senator Conrad Burns into the House chamber.

Invocation by Pastor Keith Johnson of the Evangelical Covenant Church, followed by the Pledge of Allegiance.

President Keenan welcomed U.S. Senator Burns to the joint session. Senator Burns then gave the following address:

Mr. Speaker, Mr. President, Governor Martz, distinguished members of the House and Senate, special guests:

Allow me to open with a heart-felt appreciation for your service to our state of Montana. The work you do for our state is noble and exemplifies the self-sacrifice for the betterment of all Montanans.

Now that being said, the statement will not exempt you from your critics.

Thank you, and good afternoon. I know you all have a lot of work left to do, so I will keep this brief, and to the point.

Montana is currently confronted by challenges that threaten the future of our state. We suffer from a relentless drought, unemployment, a mounting deficit, a health care crisis, a sense of economic uncertainty.

Today, the engine of our economy is slow, but the problems we face are not just 'Montana' problems. States around

HOUSE JOURNAL
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 20, 2003

the country face budget deficits and rising unemployment. New York, California, Florida, nearly every state in the union is struggling with its own problems.

Too often we focus on the bad, and ignore the good. I think that is a mistake. We need to look at our positives, and use them to correct our negatives. For example, last year, average unemployment in this nation was 6%.

Montana is beating the national average, with an unemployment rate of 4.2%. This number decreased from 2001 when unemployment sat at 4.6%. This does not tell a story of a state in shambles. It tells a story of a state that's eager to work and to produce for America, but that should come as no surprise to Montanans.

Montana is different from much of America. Individuals - not corporations - constitute the backbone of our economy. The family-operated business, farm or ranch; the small business owner. These are the businesses that allow our state economy to function. They typically employ less than 10 people, but they make up 72% of our state's businesses.

Most of our businesses focus on the basics, while keeping that vision of growth and expansion. They think about putting food on the table for their family, and those of their employees. They want to provide health care benefits, and they don't want to lay off workers, for their employees are more than a number; they are like extended family. These basics are more important than corporate jets, big CEO bonus packages, golden parachutes and vacation homes in the Bahamas.

In Montana, we are workhorses - not show horses.

Look at our agricultural community. We face water levels so low, you can walk across the Yellowstone at Livingston and not get your knees wet. New global markets and expanding international competition have depressed commodity prices. Yet we still produce some of the finest products available in the world today. There are those that express grave concern over free trade, and its erosion of our competitiveness and our jobs. I share those concerns. I also understand that free trade is a reality we must live with, so rather than fight it, we must leverage it.

In Washington, I am working to ensure that free trade does not bypass Montana. I have founded the U.S. - Asia Network, an organization that aims to promote economic freedom and security between our two regions. I have also recently been named co-chair of the U.S. - Taiwan business council.

Asia is already a major export market for the United States, and I feel it provides the greatest potential for opportunity here in Montana. Today, five of the top ten U.S. export markets for agricultural products are in Asia. After Canada and Mexico, Taiwan and Japan are Montana's two largest trade partners. Montana is also a well-known commodity in Asia, thanks to the legacy of one of our state's great leaders, Senator Mike Mansfield.

If Montana is 'Open for Business', let's look at what we're selling. I see our producers and small businesses using this Asian market opportunity to move their 'Made in Montana' products to the global stage in even greater numbers. Remember this. People, not governments, will promote and preserve our prosperity.

We need to look at what we have on our shelves. We have bountiful natural resources such as coal, timber, coal bed methane, and petroleum reserves. These resources, used domestically or exported abroad, would provide an economic boost for our state while reducing our dependence on terrorist-sponsored energy in the Middle East. These are possible solutions.

President Bush addressed the new frontier of energy in his State of the Union address when he talked of fuel cell

HOUSE JOURNAL
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 20, 2003

research. I can't agree more. Montana holds great promise in clean, alternative energy production. We have a lot of sunshine, and from that we can harvest solar energy. We have an abundance of wind, (even when I'm not talking) and from that we can harvest energy. Most promising is hydrogen fuel cell energy, which I identified several years back as a great opportunity for Montana. Over the past several years, I have gotten funding for extensive research conducted in both Bozeman and Billings on this very technology, and Montana is a leader in our nation on this very important research.

We can't forget the need to provide better access to health care for Montanans. Insurance costs are skyrocketing, business are forced to pass those costs on to employees, and increasing numbers of people skip preventative care because of the impact on their pocketbook and a lack of adequate coverage. We need medical liability reform, as the costs of litigation on our medical professionals is driving health care cost increases on to everyone, and forcing dedicated, caring professionals out of practice. We need responsible prescription drug coverage, period. We need to expand medical savings accounts and provide tax incentives for health insurance coverage. We must continue our expansion of telemedicine to provide greater access and care for those in rural areas of our state. I am committed to doing what is right for Montanans, and will support common-sense changes to our health care benefits at the federal level.

It is easy to get bogged down in the negative as you continue your work here in the legislature. I think you need to see what is good and positive here in our state. Those assembled here are regular Montanans who try to do what is best for their family and their community. Your underlying goal is to make our state a better place. I have some regular Montanans who are doing extraordinary things in our state, and I want to introduce them to you:

The first person I would like to recognize is Dr. Joe McDonald, President of Salish Kootenai College in Pablo. Dr. McDonald founded Salish Kootenai College 27 years ago, with a group of 30 students and classrooms in an old condemned school building.

He has seen the college grow to serve 1500 students who attend classes in new buildings that were constructed from Montana timber by SKC carpentry students. He has fostered a strong faculty, an outstanding library, and a tribal business development and information center that supports economic development on the Flathead Reservation.

Dr. McDonald has been a role model and leader in the national tribal college movement; a movement that includes seven fully accredited colleges in Montana and 27 similar colleges in eleven other states. It is a movement that has offered thousands of Native Americans and non-Indians living on or near reservations the opportunity for an education and the promise of a good job.

Also here today is Mike McCue, Chairman and CEO of LigoCyte Pharmaceuticals. We are all aware of the threat of bio-terrorism, both here and abroad. LigoCyte is leading the nation in developing protection from those threats. This company has expanded its infectious disease program to help treat and prevent numerous infectious diseases. With assistance from federal research grants, they are helping to protect the lives of our military personnel as they continue working on a new anthrax vaccine, one that is progressing very well and has received attention from the Department of Defense.

Through the work of Mike and his company, many new employment opportunities have become available for students educated at Montana universities, something crucial to attracting and keeping our educated youngsters in Montana, and allowing our state to flourish.

I would also like to bring attention to Brian Wolf and Jenny Hansen, two very influential people in the growing world of technology in Montana.

HOUSE JOURNAL
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 20, 2003

Brian is the Chief Information Officer for the State of Montana, working to guide the implementation of information technology in the Montana State Government. He is also the Co-Chair of the Governor's Homeland Security Task Force. Jenny oversees 911 on the state level. I have worked closely with Jenny in my efforts to get 'e-911' up and running and at an acceptable level, the goal of which is to improve public safety by offering technology to emergency responders and allowing them to pinpoint the locations of a wireless user when calling 911. Jenny has also worked with the Governor's office to re-institute the Public Safety Services Office, and sits on numerous national councils, all associated with public safety.

Both Brian and Jenny have worked tirelessly to coordinate public safety in our state, promote new technology and growth, and forge new levels of agency cooperation, rapid response, and technological opportunity in Montana. Their efforts have made our communities safer, and our law enforcement and safety professionals more effective. This is a benefit to us all.

Ladies and gentlemen, let's give a round of applause to these dedicated Montanans.

As you finish this legislative session, give yourself the reminder that I do every single day. "Do No Harm." Your efforts, and those of countless other Montanans will plot our state a course for prosperity. We have the resources, we have the talent, we have the dedication. We will overcome these obstacles and continue our goal of making Montana a better place for our children, and our grandchildren.

Thank you for the work you do for our state. Thank you for your sacrifices. Thank you for taking the time from your busy schedule to listen to me. Now, get back to work!

President Keenan thanked U. S. Senator Conrad Burns for his address to the joint session. Speaker Mood requested the committee to escort Senator Burns and dignitaries from the House chambers.

Senate Majority Leader Thomas moved the joint session of the 58th Legislature, convened to receive the address from U. S. Senator Conrad Burns, be adjourned. Motion carried.

House reconvened at 1:35 p.m.

REPORTS OF STANDING COMMITTEES

BILLS (Bookout-Reinicke, Chairman): 2/20/2003
Correctly printed: **HB 249, HB 407, HB 416, HB 520, HB 559, HB 597, HB 616, HB 618.**
Correctly engrossed: **HB 42, HB 90, HB 283, HB 298, HB 411, HB 419, HB 426, HB 465, HB 538, HB 544,**
HB 578, HB 579, HB 627.

AGRICULTURE (Rice, Chairman): 2/19/2003
HB 531, introduced bill, be amended as follows:

1. Title, page 1, line 11 through line 13.
Strike: "CLARIFYING" on line 11 through "ANIMALS;" on line 13
2. Page 1, line 25.
Strike: "or lethal"
3. Page 2, line 14.
Following: "(i)"

HOUSE JOURNAL
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 20, 2003

Strike: "the erection" through "property"

Insert: "the erection of game-proof fences on private land to exclude game animals if the game-proof fences do not enclose public land"

4. Page 2, line 15.

Following: "property"

Insert: "if the activity does not occur on public lands or against any game animal on public lands, without authorization by the department"

5. Page 2, line 21 through line 27.

Strike: subsections (d) and (e) in their entirety

6. Page 3, line 28.

Following: "property"

Insert: "-- permit required"

7. Page 4, line 3.

Following: "at any time"

Insert: "and who hold a permit as provided in [section 4]"

8. Page 4, line 23.

Insert: "NEW SECTION. Section 4. Issuance of permits for use of aircraft -- rulemaking authority. (1) The department shall adopt rules providing for the issuance of permits to landowners for the use of aircraft to protect the landowners' property by driving, herding, or hazing game animals.

(2) The department may not issue a permit for the purpose of hunting game animals from aircraft.

(3) The rules must include but are not limited to:

(a) an application process;

(b) guidelines for voiding a permit; and

(c) notification requirements.

(4) The department shall issue a permit if the permit request is for the purpose of the administration or protection of land, water, wildlife, livestock, domesticated animals, human life, or crops as provided in 16 U.S.C. 742j-1.

(5) The department shall respond with an approval or denial to a permit request within 36 hours of receiving the request.

(6) A landowner who receives a permit shall report quarterly to the department:

(a) the approximate number of game animals driven, herded, or hazed from the property;

(b) the type of game animals driven, herded, or hazed from the property;

(c) the dates that aircraft were used for the purpose of the permit;

(d) a description of the area from which game animals were driven, herded, or hazed; and

(e) the instances that a department employee was in the aircraft or was involved in the driving, herding, or hazing.

(7) The department shall:

(a) upon issuance of a permit, provide immediate notification to the U.S. fish and wildlife service special agent in charge who has jurisdiction as provided in 50 CFR 19.31; and

(b) report annually to the U.S. secretary of the interior. The report must include but is not limited to information required by 16 U.S.C. 742j-1 and 50 CFR 19.32.

(8) A permit is in effect until voided by the commission for just cause. A landowner whose permit is subject to being voided has the right to a public hearing. A permit cannot be voided until after a public hearing is held and a final decision has been issued by the commission."

HOUSE JOURNAL
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 20, 2003

Insert: "NEW SECTION. Section 5. Codification instruction. [Section 4] is intended to be codified as an integral part of Title 87, chapter 3, part 1, and the provisions of Title 87, chapter 3, part 1, apply to [section 4]."
Renumber: subsequent section

And, as amended, do pass. Report adopted.

APPROPRIATIONS (Lewis, Chairman):
HB 74, introduced bill, be amended as follows:

2/20/2003

1. Title, page 1, line 8.

Following: "CIRCUMSTANCES;"

Insert: "PROVIDING AN APPROPRIATION;"

2. Page 1, line 14.

Strike: "on June 29"

Insert: "prior to June 30"

Following: "determine"

Insert: "the timing of transfers and"

3. Page 1, line 16.

Strike: "2005"

Insert: "2004"

4. Page 1, line 18 through line 19.

Following: "greater than" on line 18

Strike: "the projected" on line 18 through "legislature" on line 19

Insert: "\$50 million"

5. Page 1.

Following: line 20

Insert: "NEW SECTION. Section 2. Appropriation. Of the money transferred in [section 1]:

(1) there is appropriated from the general fund for the 2005 biennium:

(a) \$1,000,000 to the legislative branch;

(b) \$7,100,000 to the judiciary;

(c) \$5,700,000 to the Montana university system;

(d) \$340,000 to the state library;

(e) \$163,000 to the department of natural resources and conservation;

(f) \$500,000 to the department of revenue;

(g) \$11,600,000 to the department of corrections;

(h) \$680,000 to the department of commerce;

(i) \$1,200,000 to the department of labor and industry; and

(j) \$28,000,000 to the department of public health and human services;

(2) an amount of \$30,021,000 is to be set aside as an unreserved designated fund balance in the general fund to mitigate the general fund cost of wildfire suppression."

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

HB 481, introduced bill, be amended as follows:

HOUSE JOURNAL
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 20, 2003

1. Title, line 5.

Strike: "ACUTE"

2. Page 1, line 10.

Insert: "WHEREAS, the Legislature recognizes that the failure to fully fund the cost of hospital care for Medicaid beneficiaries creates a burden on individuals who pay privately for hospital care by shifting cost from Medicaid to non-Medicaid patients in the state's hospitals; and

WHEREAS, the Legislature desires to alleviate the cost-shifting from Medicaid to other patients, while bearing in mind the financial circumstances facing the state; and

WHEREAS, it is the intent of the Legislature to find creative financing solutions and to maximize federal participation in the cost of programs whenever possible; and

WHEREAS, it is the intent of the Legislature to use the utilization fee established in this act as a means of providing additional Medicaid reimbursements to hospitals; and

WHEREAS, it is the intent of the Legislature that additional Medicaid reimbursements to hospitals exceed the cost of the assessment and that the utilization fee not be placed on patients' bills; and

WHEREAS, the Legislature enacts the following legislation as a means of relieving privately paying patients in hospitals from the burden of costs shifted from the Medicaid program and of maximizing federal funding of this program."

3. Page 1, line 17.

Strike: "acute,"

4. Page 2, line 5.

Following: "(2)"

Insert: "(a)"

5. Page 2, line 7.

Following: "[section 14]"

Strike: remainder of line 7 through "hospitals"

6. Page 2, line 8.

Following: line 7

Insert: " (b) A hospital may not place a fee created in [sections 1 through 13] on a patient's bill."

7. Page 3, line 4.

Strike: "quarter"

Insert: "year"

8. Page 5, line 30.

Following: "hospitals"

Insert: "and for the costs of collection of the fee and other administrative activities associated with the implementation of increases in the medicaid payments to hospitals"

9. Page 6, line 6.

Strike: "\$ 6,918,556"

Insert: "\$ 7,225,925"

10. Page 6, line 7.

HOUSE JOURNAL
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 20, 2003

Strike: "\$18,592,344"

Insert: "\$19,418,341"

11. Page 6, line 8.

Strike: "\$25,510,900"

Insert: "\$26,644,266"

12. Page 6, line 10.

Strike: "\$ 8,364,189"

Insert: "\$ 8,732,387"

13. Page 6, line 11.

Strike: "\$21,973,821"

Insert: "\$22,941,125"

14. Page 6, line 12.

Strike: "\$30,338,010"

Insert: "\$31,673,512"

15. Page 6, line 13.

Following: "The"

Strike: "appropriated"

16. Page 7, line 3.

Following: line 2

Insert: "(3) If the federal government determines that a part of [sections 1 through 13] violates federal law or regulations, that part is void as of the date of receipt by the department of public health and human services of notice of an official determination by the federal government. All valid parts of [sections 1 through 13] remain in effect. If the federal government determines that a part of [sections 1 through 13] violates federal law or regulations in one or more of its applications, then the department of public health and human services may not administer [sections 1 through 13] in a manner that violates the pertinent federal law or regulations after the date of receipt by the department of public health and human services of notice of an official determination by the federal government. All valid applications remain in effect."

Renumber: subsequent subsections

17. Page 7, line 3.

Following: "13]"

Strike: "become"

Insert: "or any part of [sections 1 through 13] imposing a fee on a specific facility becomes"

18. Page 7, line 4.

Following: "13]"

Strike: "become"

Insert: "or any part of [sections 1 through 13] becomes"

19. Page 7, line 6.

Following: "13]"

Strike: "become"

Insert: "or any part of [sections 1 through 13] becomes"

HOUSE JOURNAL
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 20, 2003

20. Page 7, line 7.

Following: "void."

Insert: "Any fees owing as of the date on which [sections 1 through 13] becomes void are considered waived."

And, as amended, do pass. Report adopted.

EDUCATION (Andersen, Chairman):

2/20/2003

HB 302, introduced bill, be amended as follows:

1. Title, page 1, line 8.

Strike: "A LOCALLY SELECTED"

Insert: "AN EMPLOYEE-SELECTED"

2. Title, page 1, line 14.

Strike: "A LOCALLY SELECTED"

Insert: "AN EMPLOYEE-SELECTED"

3. Title, page 1, line 18.

Strike: "BY CONTRACT"

4. Title, page 1, line 20.

Strike: "TO ISSUE LOANS"

Insert: "A LINE OF CREDIT"

Following: "RESERVES;"

Insert: "PROVIDING ADDITIONAL LOAN AUTHORITY TO THE BOARD OF INVESTMENTS;"

5. Title, page 1, line 21.

Strike: "LOANS"

Insert: "THE LOAN AND LINE OF CREDIT"

6. Title, page 1, line 22.

Following: "10 YEARS;"

Insert: "PROHIBITING THE USE OF THE BOARD OF INVESTMENT LOAN OR LINE OF CREDIT TO PAY
OFF CLAIMS OR LIABILITIES INCURRED PRIOR TO JULY 1, 2004;"

7. Title, page 1, line 23.

Following: "2-18-103"

Insert: ", 17-5-1608,"

8. Page 2, line 12.

Following: "members"

Insert: ", through the public school benefits board,"

9. Page 2, line 24.

Following: line 23

Insert: "(3) "Composite-rate premium" means the average per-enrollee premium cost for all local district cooperative members who are otherwise enrolled in the statewide core benefits or other group benefits plans pursuant to the tiered-rate premiums established by the board."

Renumber: subsequent subsections

HOUSE JOURNAL
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 20, 2003

10. Page 2, line 30.

Following: "plan"

Insert: ", other than a health benefit plan provided by a multiple employer welfare arrangement,"

11. Page 3, line 19.

Following: line 18

Insert: "(13) "Multiple employer welfare arrangement" means a national health and benefits program, as defined by section 3(40) of the Employee Retirement Income Security Act of 1974, that is sponsored by a national union and incorporated into a local school district or cooperative collective bargaining agreement."

12. Page 3, line 22.

Following: "plan"

Insert: "and at the time of termination of employment elected continued enrollment in the school district, cooperative, or statewide public school health benefit plan"

13. Page 3, line 26.

Following: "system"

Insert: "and at the time of termination of employment elected continued enrollment in the school district, cooperative, or statewide public school health benefit plan"

14. Page 3, line 28.

Following: "district"

Strike: ", "

Insert: "or"

Following: "cooperative"

Strike: ", " through "school"

15. Page 3, line 30.

Following: "in"

Strike: "either"

Following: "district's"

Insert: ", cooperative's,"

Following: "plan"

Insert: "and at the time of termination of employment elected continued enrollment in the school district, cooperative, or statewide public school health benefit plan"

16. Page 4, line 6.

Following: line 5

Insert: "(16) "Tiered-rate premium" means the premium cost established by the board that is necessary to fund members enrolled as single, single and dependents, two-party, family, and other enrollment categories established by the board."

Renumber: subsequent section

17. Page 4, line 12.

Strike: "health"

Insert: "core and other group"

18. Page 4, line 13.

HOUSE JOURNAL
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 20, 2003

Strike: "health"

Insert: "core and other group"

19. Page 4, line 24.

Strike: "employer's"

Insert: "employee's"

20. Page 4, line 25.

Following: "and"

Insert: "of the employer's selection of"

21. Page 5, line 2.

Strike: "employer"

Insert: "employee"

22. Page 5, line 7.

Strike: "10-9-201"

Insert: "20-9-201"

23. Page 5, line 9.

Strike: "employer"

Insert: "employee"

24. Page 5, line 11.

Following: "plan"

Insert: ", pay administration costs,"

25. Page 5, line 13.

Following: "selection of"

Insert: "tiered-rate or composite-rate premium structure for"

Following: "benefits"

Insert: "premium payments"

26. Page 5, line 14.

Strike: "locally selected"

Insert: "employee-selected"

27. Page 5, line 18.

Following: "selection of"

Insert: "tiered-rate or composite-rate premium structure for"

Following: "benefits"

Insert: "premium payments"

28. Page 5, line 28.

Following: "claims"

Insert: ", payment of administrative costs, and loan repayments"

29. Page 5, line 29.

HOUSE JOURNAL
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 20, 2003

Following: "plan"

Insert: "and to maintain actuarially sound reserves considered necessary for the plan"

Following: line 29

Insert: "(10) If premiums and other income collected in a fiscal year are insufficient to fully fund the claims liabilities and all expenses incurred for that year, premiums for the ensuing year must be increased to collect the revenue necessary to repay losses.

(11) If premiums and other income collected in a fiscal year exceed the amount necessary to fully fund the claims liabilities and all expenses incurred during that year, premiums for the ensuing fiscal year must be reduced to return the surplus to plan participants.

(12) If the board acts to add or eliminate benefits from any plan, the premiums for the plan must be increased by amounts actuarially required to pay for increased benefits or decreased by amounts actuarially determined to be saved by elimination of benefits."

Renumber: subsequent subsections

30. Page 6, line 10.

Following: line 9

Insert: "(16) Complying with the requirements of [sections 1 through 7] may not be interpreted as a refusal to bargain in good faith with an exclusive representative in violation of 39-31-401(5)."

31. Page 6, line 15.

Following: "(a)"

Strike: "two"

Insert: "four members, including two"

Following: "trustees"

Insert: "and two public school administrators"

Strike: "up to four"

Insert: "eight"

Following: "submitted"

Insert: "jointly"

32. Page 6, line 16.

Following: "association"

Insert: ", the Montana rural education association, and the school administrators of Montana"

33. Page 6, lines 17 through 18.

Strike: subsection (b) in its entirety

Renumber: subsequent subsections

34. Page 6, line 20.

Strike: "up to"

Following: "personnel"

Insert: "and at least one nominee must be from a first-class district and at least one nominee must be from a second-class or third-class district, as defined in 20-6-201 and 20-6-301"

35. Page 6, line 24.

Strike: "through (2)(c)"

Insert: "and (2)(b)"

36. Page 6, line 25.

HOUSE JOURNAL
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 20, 2003

Following: line 24

Insert: "(d) Of the eight nominees in subsections (2)(a) and (2)(b), at least one administrative and one trustee nominee must be from a first-class district and at least one administrative and one trustee nominee must be from a second-class or third-class district, as defined in 20-6-201 and 20-6-301."

37. Page 7, line 5.

Strike: "-- exemption"

38. Page 7, line 10.

Strike: "quarterly"

Insert: "six times annually"

39. Page 8, line 1.

Following: "employee's"

Strike: "proven" through "coverage"

Insert: "signed statement declining enrollment in the plan and acknowledging relinquishment of enrollment rights until the next fiscal year's general enrollment period as established by the board"

40. Page 8, line 2.

Following: "personnel"

Insert: ", including an administrative accountant responsible for direct entry and access to the state budgeting and accounting database, and may"

Following: "contract,"

Insert: "hire personnel"

41. Page 8, line 6.

Following: "systems"

Strike: "and"

Following: "materials"

Strike: "and"

Insert: ", "

42. Page 8, line 7.

Following: "enrollment"

Insert: "and claims"

Following: "procedures"

Insert: ", and providing members with assistance as needed for claims submission and processing"

43. Page 8, line 16.

Following: ";

Strike: "and"

44. Page 8, line 19.

Following: "plans"

Insert: "; and

(h) providing assistance for members and employers to establish and maintain locally available wellness programs"

45. Page 8, line 20.

HOUSE JOURNAL
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 20, 2003

Following: line 19

Insert: "(3) The board shall contract with regional or locally licensed insurance agents to provide services described in subsections (2)(f) and (2)(g)."

Renumber: subsequent subsections

46. Page 8, line 24.

Strike: "exempt from"

Insert: "subject to"

47. Page 8, line 25.

Following: line 24

Insert: "(6) At least every 3 years, contracted services for monthly enrollment, billing, and claims processing must be bid separately or jointly by the board on a monthly basis for each employee based on the number of enrolled employees in the statewide public school risk pool. The board shall consider the enrollment, billing, and claims processing charges with regard to any coupled or independent provider reimbursement schedules made available through providers directly or provided by vendors or for stop-loss as described in subsection (7). A contract accepted for these services for more than 1 year must limit the annual increase in contract price to no more than the annual rate of growth in the consumer price index, U.S. city average, for all urban consumers.

(7) The board shall purchase individual, individual and aggregate, or aggregate stop-loss insurance for the first 2 years of operation of the statewide public school risk pool and health benefit plans."

48. Page 8, line 26.

Strike: "Biennial"

Insert: "Annual"

49. Page 8, line 28.

Strike: "2 years"

Insert: "year"

Strike: "2-year period"

Insert: "fiscal year"

50. Page 9, line 1.

Following: "loan"

Insert: "and line of credit -- limitations on use"

51. Page 9, line 3.

Strike: "\$2"

Insert: "\$1.2"

52. Page 9, line 5.

Following: "2003,"

Insert: "authorize and"

Strike: "loan"

Insert: "line of credit"

53. Page 9, line 6.

Strike: "\$26"

Insert: "\$18"

HOUSE JOURNAL
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 20, 2003

Following: "million"

Insert: "to be available on or before July 1, 2004,"

54. Page 9, line 8.

Strike: "loans"

Insert: "loan and line of credit"

55. Page 9, line 11.

Following: "loan"

Insert: "or line of credit"

56. Page 9, line 12.

Strike: "loans"

Insert: "loan or line of credit"

Following: "core"

Insert: "and other group"

57. Page 9, line 13.

Following: line 12

Insert: "(5) The loan authorized in subsection (1) and the line of credit authorized in subsection (2) may not be used to pay any claims incurred, but not paid, prior to July 1, 2004, or for any other liabilities incurred prior to July 1, 2004."

58. Page 9, lines 15 and 16.

Following: "employees"

Strike: remainder of line 15 through "board" on line 16

Strike: "1" on line 16

59. Page 9, line 18.

Strike: "a"

Insert: "(1)"

Renumber: subsequent subsections

60. Page 10, lines 13 through 15.

Following: "2-15-218" on line 13

Insert: ";

Strike: "2" through "4" on line 15

Insert: ";

(21) employees of the public school benefits board established in [section 4]"

61. Page 10, line 16.

Following: line 15

Insert: "**Section 9.** Section 17-5-1608, MCA, is amended to read:

"17-5-1608. (Temporary) Limitations on amounts. The board may not issue any bonds or notes that cause the total outstanding indebtedness of the board under this part, except for bonds or notes issued to fund or refund other outstanding bonds or notes or to purchase registered warrants or tax or revenue anticipation notes of a local government as defined in 7-6-1101, to exceed ~~\$80~~ \$98 million. (Terminates June 30, 2011--sec. 9, Ch. 394, L. 2001.)

17-5-1608. (Effective July 1, 2011) Limitations on amounts. The board may not issue any bonds or

HOUSE JOURNAL
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 20, 2003

notes that cause the total outstanding indebtedness of the board under this part (except for bonds or notes issued to fund or refund other outstanding bonds or notes or to purchase registered warrants or tax or revenue anticipation notes of a local government as defined in 7-6-1101) to exceed \$75 million."

Renumber: subsequent sections

62. Page 11, line 27.

Following: line 26

Insert: "NEW SECTION. Section 13. Contingent voidness. If the board of investments fails to provide to the public school benefits board the \$1.2 million loan for the biennium beginning July 1, 2003, and ending June 30, 2004, to implement the statewide public school risk pool and health benefit plans pursuant to [section 7(1)] or fails to authorize the line of credit in the amount of \$18 million by July 1, 2003, to establish reserves pursuant to [section 7(2)], then [this act] is void."

Renumber: subsequent section

And, as amended, do pass. Report adopted.

HB 572, introduced bill, be amended as follows:

1. Title, page 1, line 6.

Following: "FOR"

Insert: "SPECIAL EDUCATION"

2. Title, page 1, lines 6 and 7.

Following: "TO" on line 6

Strike: remainder of line 6 through "CERTAIN" on line 7

Insert: "CONSIDER THE AVAILABILITY OF ELECTRONIC VERSIONS OF TEXTBOOKS IN THE SELECTION OF"

3. Title, page 1, line 8.

Strike: "AN"

Insert: "A DELAYED"

4. Page 1, line 28.

Strike: "individualized education program"

Insert: "child study"

5. Page 2, line 2.

Strike: "individualized education program"

Insert: "child study"

6. Page 2, line 6.

Following: "training."

Strike: "A"

Insert: "If scholarships are available, a special education"

7. Page 2, line 11.

Strike: "preference"

Insert: "-- availability of electronic version to be considered -- limit on price"

HOUSE JOURNAL
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 20, 2003

8. Page 2, line 12.

Following: "shall"

Strike: "give" through "with"

Insert: "consider the availability of"

9. Page 2, line 13.

Following: "produced"

Insert: "as one of the criteria that must be used in the selection of a textbook"

Following: "."

Insert: "The price of an electronic version of a textbook may not exceed the price of an available nonelectronic version of the textbook by more than \$1,000."

10. Page 2, line 20.

Strike: "preference" through "with"

11. Page 2, line 21.

Following: "produced"

Insert: "must be selected if the electronic version meets the textbook selection criteria established by the district"

12. Page 2, line 27.

Strike: "2003"

Insert: "2004"

And, as amended, do pass. Report adopted.

HB 573, introduced bill, be amended as follows:

1. Page 1, line 20.

Following: "professional"

Insert: ", as defined in 33-36-103,"

Following: "or"

Insert: "a"

2. Page 1, lines 24 and 25.

Following: "damages"

Strike: remainder of line 24 through "omissions" on line 25

Following: "glucagon" on line 25

Insert: "unless the acts or omission is the result of gross negligence, willful or wanton misconduct, or an intentional tort"

3. Page 1, line 27.

Strike: "for" through "omissions"

Following: "glucagon"

Insert: "unless the acts or omission is the result of gross negligence, willful or wanton misconduct, or an intentional tort"

And, as amended, do pass. Report adopted.

HUMAN SERVICES (Thomas, Chairman):

2/20/2003

HOUSE JOURNAL
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 20, 2003

HB 484, introduced bill, be amended as follows:

1. Title, line 6 through line 7.

Following: "BEHAVIOR" on line 6

Strike: remainder of line 6 through the second "PROGRAM" on line 7

2. Page 2, line 30.

Strike: "or"

3. Page 3, line 1.

Strike: "and"

Insert: "or"

4. Page 3, lines 2 and 3.

Following: "program" on line 2

Strike: remainder of line 2 through the second "program" on line 3

Insert: "that holds the offender accountable for the offender's violent or controlling behavior"

And, as amended, do pass. Report adopted.

HB 493, introduced bill, be amended as follows:

1. Page 2, line 27.

Following: "50-5-101"

Insert: ", that provides its own employees to perform services at and on behalf of another health care facility or at and on behalf of a private office of physicians, dentists, or other physical or mental health care workers licensed and regulated under Title 37"

And, as amended, do pass. Report adopted.

HB 557, do pass. Report adopted.

HB 569, introduced bill, be amended as follows:

1. Page 1, line 12.

Following: "age"

Insert: "that will be funded contingent upon available resources through state, federal, or private sources"

And, as amended, do pass. Report adopted.

HB 585, do pass. Report adopted.

HB 647, do pass. Report adopted.

HJR 19, introduced joint resolution, be amended as follows:

1. Page 1, line 19.

Following: "states"

Insert: "; and

WHEREAS, federal regulations and the Centers for Medicare and Medicaid Services require three formal consultations with tribal governments regarding any major changes within the existing Medicaid and related programs; and

HOUSE JOURNAL
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 20, 2003

WHEREAS, the State of Montana recognizes the seven federally recognized Indian tribes in Montana, and the Legislature directs the Department of Public Health and Human Services to recognize and include the seven federally recognized tribal governments in Montana within all aspects of a Department study; and

WHEREAS, upon participation of the seven federally recognized tribes in Montana, the Legislature directs the Department of Public Health and Human Services to include the seven tribal governments in any aspect of the study and include the recommendations and participation in the report to the Legislature"

2. Page 2, line 3.

Insert: "BE IT FURTHER RESOLVED, that the Secretary of State send a copy of this resolution to each tribal government located on the seven Montana reservations and to the Little Shell Band of Chippewa."

And, as amended, be adopted and be placed on the consent calendar. Report adopted.

JUDICIARY (Shockley, Chairman):

2/20/2003

HB 327, introduced bill, be amended as follows:

1. Title, page 1, line 5 through line 6.

Strike: ", INCLUDING" on line 5 through "AGREEMENT" on line 6

Insert: "THAT RELATE TO A PUBLIC HAZARD; AND PROVIDING AN APPLICABILITY DATE"

2. Page 1, line 10.

Following: "actions"

Insert: "that relate to public hazard"

3. Page 1, line 10 through line 11.

Strike: "settlement" on line 10 through "agreements" on line 11

Insert: "discovery documents"

4. Page 1, line 12.

Strike: "filed in proceedings that are open to the public"

5. Page 1, line 15.

Following: "disclosure."

Insert: "The public has a significant interest in public hazards. A public hazard is a deceptive financial practice, hazardous substance, or product that has caused or is likely to cause injury as defined in 27-1-106."

6. Page 1, line 16.

Following: "(2)"

Insert: "(a)"

Following: the first "document"

Insert: "filed"

7. Page 1, line 16 through line 17.

Strike: ", including" on line 16 through "settlement," on line 17

Insert: "or a document obtained through discovery"

8. Page 1, line 17.

Following: "inspection"

Insert: "if the document relates to a public hazard"

HOUSE JOURNAL
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 20, 2003

9. Page 1, line 17 through line 18.

Strike: "Neither" on line 17 through "prevent" on line 18

Insert: "(b) A court may not enter an order that prevents"

Following: "document" on line 18

Insert: "referred to in subsection (2)(a)"

10. Page 1, line 20.

Following: "document"

Insert: "if the order has the purpose or effect of concealing a public hazard"

11. Page 1, line 21.

Following: line 20

Insert: "(c) A written agreement or contract that is entered into pursuant to civil litigation and that has the purpose or effect of concealing a public hazard is contrary to public policy and is void and may not be enforced."

12. Page 1, line 21.

Strike: "settlement agreement"

Insert: "discovery document"

13. Page 1, line 22.

Following: line 21

Insert: "(a) concerning a trade secret, as defined in 30-14-402, that is not pertinent to a public hazard;

(b) relating to child custody, establishment of paternity, protection of a child under Title 42, protection of an elderly or developmentally disabled person from abuse or neglect under Title 52, chapter 3, or involuntary commitment of a person alleged to be seriously developmentally disabled, suffering from a mental disorder, or an alcoholic;

(c) concerning other information that is confidential under state or federal law;"

Renumber: subsequent subsections

14. Page 1, line 24.

Strike: ", upon" through "document,"

15. Page 1, line 25 through line 26.

Strike: "settlement" on line 25 through "other" on line 26

16. Page 1, line 27.

Insert: "NEW SECTION. Section 2. Applicability. [This act] applies to cases filed after [the effective date of this act]."

And, as amended, do pass. Report adopted.

HB 639, do pass. Report adopted.

NATURAL RESOURCES (Younkin, Chairman):

2/20/2003

HB 370, introduced bill, be amended as follows:

1. Page 2, line 11.

Following: "of"

Strike: "land"

HOUSE JOURNAL
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 20, 2003

Insert: "record"

2. Page 10, line 3.

Following: "(4)"

Insert: "(a)"

3. Page 10.

Following: line 5

Insert: "(b) A preliminary plat is not required to be submitted for a minor subdivision if the following requirements are met:

(i) Proper access to all lots is provided.

(ii) No land in the subdivision will be dedicated to public use for parks or playgrounds.

(iii) The plat has been approved by the department of environmental quality whenever approval is required by Title 76, chapter 4, part 1."

And, as amended, do pass. Report adopted.

HB 527, introduced bill, be amended as follows:

1. Page 7, line 3.

Following: "mine"

Insert: "or mine-related facilities"

Following: "located."

Insert: "The consultation must include a description of proposed postmining uses and a verifiable listing of prospective entities, groups, or individuals committed to using specific mine-related facilities."

2. Page 9, line 24.

Following: "use."

Insert: "If the reclamation plan provides that specific mine-related facilities will not be removed or that the disturbed land associated with the facilities will not be reclaimed by the permittee, the following apply:

(i) The postmining use of the mine-related facilities must be approved by the department.

(ii) The liability for final reclamation of the mine-related facilities or disturbed land associated with the facilities may not be transferred from the permittee to a subsequent owner, operator, or lessee without approval by the department.

(iii) The department may require a separate bond from the subsequent owner, operator, or lessee, or the department may retain a portion of the mine permittee's bond sufficient to address any final reclamation requirements for the mine-related facilities that remain postmining.

(iv) In the absence of a binding agreement for a legitimate postmining use of mine-related facilities upon cessation of mine operations, defined as the removal or processing of ore material, the permittee shall comply with the reclamation requirements of this part and the reclamation plan within the time limits established in subsection (3)."

And, as amended, do pass. Report adopted.

STATE ADMINISTRATION (Barrett, Chairman):

2/19/2003

HB 382, do pass. Report adopted.

TRANSPORTATION (Waitschies, Chairman):

2/20/2003

HB 189, introduced bill, be amended as follows:

HOUSE JOURNAL
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 20, 2003

1. Title, line 9.

Strike: "MORE" through "CARRY"

Insert: "ANOTHER PERSON ON THE HANDLEBARS OF THE BICYCLE"

2. Page 2, line 25.

Following: "bicycles"

Insert: "-- riding on handlebars prohibited"

Strike: "(1)"

3. Page 2, line 25 through line 29.

Strike: "ride" on line 25 through "children" on line 29

Insert: "carry another person on the handlebars of the bicycle"

4. Page 4, line 11.

Strike: "use" through "bicycle"

Insert: "person from keeping at least one hand on the handlebars"

5. Page 4, line 16.

Strike: "(4)"

Insert: "(3)"

6. Page 5, line 3 through line 12.

Strike: subsection (2) in its entirety

Renumber: subsequent subsections

7. Page 7.

Following: line 18

Insert: "NEW SECTION. Section 15. Bicycle and pedestrian services part of biennial survey. The department of transportation shall include bicycle and pedestrian services as part of its biennial transportation survey."

Renumber: subsequent section

8. Page 7, line 20.

Strike: "14"

Insert: "15"

9. Page 7, line 22.

Strike: "14"

Insert: "15"

And, as amended, do pass. Report adopted.

HB 556, introduced bill, do pass and be placed on the consent calendar. Report adopted.

HB 591, introduced bill, do pass and be placed on the consent calendar. Report adopted.

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence:

2/19/2003

HOUSE JOURNAL
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 20, 2003

SB 204, introduced by Taylor
SB 316, introduced by Grimes

House bills concurred in and returned to the House: 2/19/2003

HB 22, introduced by Kaufmann
HB 51, introduced by E. Clark
HB 80, introduced by Jackson
HB 112, introduced by Pattison
HB 121, introduced by E. Clark
HB 151, introduced by B. Olson
HB 406, introduced by Waitschies

House joint resolution concurred in and returned to the House: 2/19/2003

HJR 6, introduced by D. Brown

MESSAGES FROM THE GOVERNOR

February 19, 2003

The Honorable Doug Mood
Speaker of the House
State Capitol
Helena, Montana 59620

Dear Representative Mood:

Please be informed that I have signed **House Bill 96** sponsored by Representative Devlin and **House Bill 143** sponsored by Representative Lambert on February 19, 2003.

Sincerely,

JUDY MARTZ
Governor

February 20, 2003

The Honorable Doug Mood
Speaker of the House
State Capitol
Helena, Montana 59620

Dear Representative Mood:

Please be informed that I have signed **House Bill 115** sponsored by Representative Bookout-Reinicke and **House Bill 233** sponsored by Representative Waitschies on February 20, 2003.

HOUSE JOURNAL
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 20, 2003

Sincerely,

JUDY MARTZ
Governor

FIRST READING AND COMMITMENT OF BILLS

The following House bills were introduced, read first time, and referred to committees:

HB 718, introduced by Lindeen, referred to Appropriations.

HB 719, introduced by A. Olson, Brueggeman, Forrester, Gallus, Gebhardt, Keenan, Mangan, Mood, Ripley, Shea, Sinrud, F. Thomas, Wilson, Witt, Younkin, referred to State Administration.

HB 720, introduced by Hurwitz, Barrett, Rice, Ripley, referred to Agriculture.

HB 721, introduced by Erickson, referred to Taxation.

The following House joint resolutions were introduced, read first time, and referred to committees:

HJR 32, introduced by Haines, Andersen, Balyeat, Barrett, Bookout-Reinicke, E. Clark, Devlin, Everett, Fisher, Fuchs, Hedges, Hurwitz, Jackson, Lake, Lambert, Lange, Laszloffy, Lehman, Lewis, Maedje, Mendenhall, Mood, Morgan, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrupf, Sinrud, Steinbeisser, Stoker, B. Thomas, Wagman, Witt, referred to Fish, Wildlife and Parks.

HJR 33, introduced by Gallik, Bergren, Bohlinger, Gutsche, referred to State Administration.

The following Senate bills were introduced, read first time, and referred to committees:

SB 1, introduced by McCarthy, referred to State Administration.

SB 3, introduced by Harrington (by request of the Clerk of the Supreme Court and the Law and Justice Interim Committee), referred to Judiciary.

SB 5, introduced by Tash (by request of the Department of Natural Resources and Conservation), referred to Natural Resources.

SB 10, introduced by Grimes (by request of the Code Commissioner), referred to Judiciary.

SB 14, introduced by McCarthy (by request of the Department of Natural Resources and Conservation), referred to Natural Resources.

SB 17, introduced by McGee (by request of the Legislative Council), referred to State Administration.

SB 19, introduced by Grimes (by request of the Supreme Court), referred to Judiciary.

SB 20, introduced by Grimes (by request of the Supreme Court), referred to Judiciary.

SB 21, introduced by McNutt (by request of the Department of Administration), referred to Business and Labor.

SB 22, introduced by Nelson, E. Clark, Keane, Lehman, Tester, Witt, (by request of the Department of Agriculture), referred to Agriculture.

SB 23, introduced by Butcher, Devlin, Kasten, Lehman, Lewis, Nelson, Pattison, Rice, Tester, B. Thomas, Witt (by request of the Department of Agriculture), referred to Agriculture.

SB 24, introduced by Mangan, referred to Local Government.

SB 25, introduced by Mangan (by request of the Department of Corrections), referred to Judiciary.

SB 26, introduced by Mangan (by request of the Department of Administration), referred to Business and Labor.

SB 27, introduced by Johnson (by request of the Department of Agriculture), referred to Natural Resources.

SB 28, introduced by Mangan (by request of the Department of Administration), referred to Business and Labor.

SB 31, introduced by Cobb, referred to Taxation.

SB 32, introduced by Mahlum (by request of the Department of Administration), referred to Judiciary.

SB 33, introduced by Cobb, referred to Local Government.

HOUSE JOURNAL
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 20, 2003

SB 34, introduced by Barkus (by request of the Department of Transportation), referred to Transportation.

SB 35, introduced by Grimes (by request of the Children, Families, Health, and Human Services Interim Committee), referred to Judiciary.

SB 36, introduced by Grimes (by request of the Supreme Court), referred to Business and Labor.

SB 38, introduced by Mahlum (by request of the Commissioner of Political Practices), referred to State Administration.

SB 39, introduced by Mahlum (by request of the Department of Transportation), referred to Judiciary.

SB 40, introduced by Mahlum (by request of the Department of Justice and the Department of Revenue), referred to Business and Labor.

SB 45, introduced by Gebhardt, referred to Local Government.

SB 47, introduced by Gebhardt, referred to Local Government.

SB 49, introduced by Shea, referred to Judiciary.

Majority Leader Brown moved that the House recess until 2:05 p.m. for caucuses. Motion carried.

House recessed at 1:45 p.m.

House reconvened at 2:07 p.m.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Representative Brown moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Buzzas in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 190 - Representative Younkin moved **HB 190** do pass.

Representative Dickenson moved **HB 190**, second reading copy, be amended as follows:

1. Title, page 1, line 8.

Strike: "ALL"

Insert: "CERTAIN"

2. Page 4, line 21.

Strike: "as provided by law"

Insert: "during the voter registration process, except an elector who registered by mail"

3. Page 5, line 7 through line 8.

Strike: "whose" on line 7 through "law" on line 8

Insert: "who is not a legally registered elector"

4. Page 15, line 29.

Following: "vote"

Insert: "-- name as legally registered elector prima facie evidence of right to vote"

5. Page 15.

HOUSE JOURNAL
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 20, 2003

Following: line 29

Insert: "(1) The fact that an elector's name appears on the precinct register as a legally registered elector is prima facie evidence of the elector's right to vote without presenting identification."

6. Page 15, line 30.

Following: "~~(2)~~"

Insert: "(2)"

7. Page 16, line 3.

Following: "precinct."

Insert: "The fact that an elector's name appears on a special addendum to the precinct register as a legally registered elector is prima facie evidence of the elector's right to vote without presenting identification."

8. Page 19, line 4.

Following: "elector"

Insert: "who is not a legally registered elector"

9. Page 19.

Following: line 16

Insert: "(2) A legally registered elector does not have to present identification but must sign the precinct register before being given a ballot."

10. Page 19, line 17.

Strike: "~~(2)~~"

Insert: "(3)"

11. Page 19, line 20.

Strike: "~~(3)~~"

Insert: "(4)"

12. Page 19, line 22.

Strike: "~~(4)~~"

Insert: "(5)"

13. Page 21, line 15.

Following: "If"

Strike: "the"

Insert: "a provisionally registered"

14. Page 21, line 19.

Following: "If"

Strike: "the"

Insert: "a provisionally registered"

Amendment **not** adopted as follows:

Ayes: Ballantyne, Becker, Bergren, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, Matthews, Musgrove, Newman,

HOUSE JOURNAL
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 20, 2003

Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.
Total 45

Noes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrupf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.
Total 53

Excused: Bixby, Jent.
Total 2

Absent or not voting: None.
Total 0

Representative Jacobson moved **HB 190**, second reading copy, be amended as follows:

1. Title, page 1, line 12.

Strike: "REVISING" through "1:"

2. Title, page 1, line 24.

Strike: "13-13-205,"

3. Page 20, lines 6, 20, and 28.

Strike: "35"

Insert: "34"

4. Page 22, line 4.

Strike: "35"

Insert: "34"

5. Page 22, line 8 through line 13.

Strike: section 27 in its entirety

Renumber: subsequent sections

6. Page 25, line 12.

Strike: "35"

Insert: "34"

7. Page 26, line 8.

Strike: "35"

Insert: "34"

8. Page 31, line 18 and line 19.

Strike: "35"

Insert: "34"

Amendment **not** adopted as follows:

HOUSE JOURNAL
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 20, 2003

Ayes: Ballantyne, Becker, Bergren, Bixby, Branae, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, Matthews, Musgrove, Newman, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.
Total 46

Noes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrupf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.
Total 53

Voted Absentee: Bixby, Jent, Ayes.

Excused: None.
Total 0

Absent or not voting: Buzzas.
Total 1

Representative Becker moved **HB 190**, second reading copy, be amended as follows:

1. Title, page 1, line 13 through line 14.

Strike: "CLARIFYING" on line 13 through ";" on line 14

2. Title, page 1, line 24.

Strike: "13-13-212,"

3. Page 20, lines 6, 20, and 28.

Strike: "35"

Insert: "34"

4. Page 22, line 4.

Strike: "35"

Insert: "34"

5. Page 22, line 15 through page 23, line 7.

Strike: section 29 in its entirety

Renumber: subsequent sections

6. Page 25, line 12.

Strike: "35"

Insert: "34"

7. Page 26, line 8.

Strike: "35"

Insert: "34"

HOUSE JOURNAL
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 20, 2003

8. Page 31, line 18 and line 19.

Strike: "35"

Insert: "34"

Amendment **not** adopted as follows:

Ayes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, Maedje, Matthews, Musgrove, Newman, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.
Total 48

Noes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Malcolm, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schruppf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.
Total 52

Voted Absentee: Bixby, Jent, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Motion that **HB 190** do pass carried as follows:

Ayes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schruppf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.
Total 53

Noes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, Matthews, Musgrove, Newman, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.
Total 47

Voted Absentee: Bixby, Jent, Noes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HOUSE JOURNAL
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 20, 2003

Representative Brown moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Buzzas moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, Matthews, McKenney, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schruppf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.
Total 53

Noes: Ballantyne, Becker, Bergren, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, Musgrove, Newman, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.
Total 44

Excused: Bixby, Jent.
Total 2

Absent or not voting: Mendenhall.
Total 1

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 458, from consent calendar, passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.
Total 97

Noes: None.
Total 0

Excused: Bixby, Jent.
Total 2

Absent or not voting: Shockley.
Total 1

HOUSE JOURNAL
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 20, 2003

HB 532, from consent calendar, passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrupf, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Wilson, Witt, Younkin, Mr. Speaker.

Total 95

Noes: Wanzenried, Windy Boy.

Total 2

Excused: Bixby, Jent.

Total 2

Absent or not voting: Shockley.

Total 1

HB 548, from consent calendar, passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, D. Brown, Brueggeman, Callahan, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Erickson, Everett, Fisher, Forrester, Fritz, Fuchs, Golie, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrupf, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 77

Noes: Branae, Buzzas, Carney, Dowell, Facey, Franklin, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Gutsche, Harris, Juneau, Lindeen, Ryan, Wanzenried, Weiss, Wilson.

Total 19

Excused: Bixby, Jent.

Total 2

Absent or not voting: R. Brown, Shockley.

Total 2

HB 552, from consent calendar, passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm,

HOUSE JOURNAL
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 20, 2003

Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.
Total 96

Noes: Sales.
Total 1

Excused: Bixby, Jent.
Total 2

Absent or not voting: Shockley.
Total 1

HB 562, from consent calendar, passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.
Total 97

Noes: None.
Total 0

Excused: Bixby, Jent.
Total 2

Absent or not voting: Shockley.
Total 1

HB 580, from consent calendar, passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.
Total 96

Noes: Sales.

HOUSE JOURNAL
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 20, 2003

Total 1

Excused: Bixby, Jent.

Total 2

Absent or not voting: Shockley.

Total 1

HJR 16, from consent calendar, adopted as follows:

Ayes: Andersen, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrupf, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 93

Noes: Ballantyne, Balyeat, Sales.

Total 3

Excused: Bixby, Jent.

Total 2

Absent or not voting: Lindeen, Shockley.

Total 2

HJR 22, from consent calendar, adopted as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrupf, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 94

Noes: Brueggeman, Malcolm, Newman.

Total 3

Excused: Bixby, Jent.

Total 2

Absent or not voting: Shockley.

Total 1

HOUSE JOURNAL
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 20, 2003

REPORTS OF STANDING COMMITTEES

BUSINESS AND LABOR (McKenney, Chairman):

2/20/2003

HB 619, introduced bill, be amended as follows:

1. Page 3, line 4.

Following: "Manual"

Insert: ", except the term does not include the transportation of logs or wood chips"

2. Page 6, line 24.

Following: "(5)"

Insert: "(a)"

3. Page 6, line 24 through line 25.

Strike: "or" on line 24 through "39-71-116," on line 25

4. Page 6, following line 26.

Insert: "(b) Employers from another state who are engaged in the logging industry and who employ workers from another state who work in this state for more than 30 days in any calendar year shall obtain coverage for those workers under the provisions of this chapter."

And, as amended, do pass. Report adopted.

HB 635, introduced bill, do pass and be placed on the consent calendar. Report adopted.

HB 636, introduced bill, be amended as follows:

1. Title, line 9.

Strike: "LAW ENFORCEMENT ROTATION SYSTEM"

2. Page 4, line 6.

Strike: "**law enforcement rotation system**"

3. Page 4, line 7 through line 8.

Strike: "law" on line 7 through "system" on line 8

4. Page 4, line 17.

Following: "about"

Strike: "the"

Strike: "law enforcement rotation system"

Insert: "issues, including towing charges,"

5. Page 4, line 18.

Strike: "61-8-908(3)"

Insert: "this part"

And, as amended, do pass and be placed on the consent calendar. Report adopted.

FEDERAL RELATIONS, ENERGY, AND TELECOMMUNICATIONS (Bitney, Chairman):

2/20/2003

HB 509, introduced bill, be amended as follows:

HOUSE JOURNAL
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 20, 2003

1. Title, page 2, line 11.

Strike: "69-8-209,"

2. Page 10, line 2.

Strike: "100"

Insert: "50"

3. Page 10, line 3.

Strike: "100"

Insert: "50"

4. Page 10, line 26.

Following: the first "contracts"

Insert: "executed before May 2, 1997"

5. Page 13, line 8.

Strike: "(i)"

6. Page 13, line 10 through line 11.

Strike: subsection (ii) in its entirety

7. Page 13, line 13.

Strike: "100"

Insert: "50"

8. Page 13, line 15.

Strike: "A"

Insert: "(a) Subject to subsection (2)(b), a"

9. Page 13, line 16.

Strike: "100"

Insert: "50"

10. Page 13, line 17.

Strike: "must" through "to"

Insert: "may"

Following: line 17

Insert: "(b) The total average monthly billing demand for all customers that choose an electricity supplier pursuant to subsection (2)(a) may not exceed 20,000 kilowatts in a calendar year."

11. Page 13, line 18.

Strike: "subsection"

Insert: "subsections"

Following: "(3)(b)"

Insert: " through (3)(e)"

12. Page 13, line 21.

Following: "(3)(a)"

HOUSE JOURNAL
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 20, 2003

Strike: "may"

Insert: "that is receiving its electricity supply from the competitive marketplace may make a one-time election to"

Strike: "negotiated"

Insert: "permanent"

13. Page 13, line 23.

Following: "(4)."

Insert: "This election must be submitted to the commission in writing no later than 90 days after [the effective date of this act]."

14. Page 13, line 25.

Strike: "shall"

Insert: "may"

15. Page 13, line 26.

Following: "service."

Insert: "The new customer's election of an electricity supplier must be submitted in writing to the commission at least 90 days before delivery of electricity."

16. Page 13.

Following: line 27

Insert: "(d) A customer referred to in subsection (3)(a) that was receiving electricity from the default supplier on [the effective date of this act] may continue to receive electricity from the default supplier.

(e) A customer referred to in subsection (3)(a) that is a public agency, as defined in 18-1-101, may enter into a power supply contract with the default supplier for default supply service for all or part of the public agency's load. These contracts must include the applicable provisions established by the commission pursuant to subsection (4)."

17. Page 13, line 28 through line 29.

Strike: "referred" on line 28 through "(3)" on line 29

18. Page 13, line 30.

Following: "service"

Insert: "in accordance with subsections (1) through (3)"

Strike: "reasonable"

19. Page 14, line 3.

Following: "customers."

Insert: "The total average monthly demand for all customers referred to in subsection (1)(a) that receive service from an electricity supplier that is not the default supplier may not exceed 10,000 kilowatts in a calendar year."

20. Page 16, line 22.

Following: "37"

Strike: "." through "conduct"

Insert: ", and commission rules and orders"

21. Page 17, line 10 through line 17.

Strike: section 14 in its entirety

Renumber: subsequent sections

HOUSE JOURNAL
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 20, 2003

22. Page 19, line 12.

Following: "liabilities and"

Insert: "other"

Strike: "costs"

Insert: "obligations"

23. Page 19, line 21.

Strike: "existing"

24. Page 19, line 22.

Following: "(2)(c)"

Insert: "that were allowed in rates before May 2, 1997,"

25. Page 25, line 29.

Following: "these"

Insert: "To collect this amount of funds on an annualized basis in 1999, the commission shall establish rates for utilities subject to its jurisdiction and the governing boards of cooperatives shall establish rates for the cooperatives."

26. Page 31, line 10.

Following: "transmission"

Insert: "and transmission"

27. Page 31, line 11.

Strike: subsection (b) in its entirety

Renumber: subsequent subsections

28. Page 31, line 13.

Strike: "competitive"

And, as amended, do pass. Report adopted.

HB 561, do pass. Report adopted.

HB 608, introduced bill, be amended as follows:

1. Title, line 6.

Following: "THAT"

Insert: "DIRECTLY"

2. Page 2, line 3.

Following: "have"

Insert: "direct"

3. Page 2, line 7.

Following: "process"

Strike: "and"

Insert: "of"

4. Page 2, line 11.

HOUSE JOURNAL
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 20, 2003

Following: "sovereignty"
Strike: "and" through "rights"

5. Page 2, line 18.
Following: "officials"
Insert: ", including chiefs and tribal presiding officers,"

6. Page 2, line 19.
Following: the first "that"
Insert: "directly"

7. Page 3, line 2.
Following: "that"
Insert: "directly"

And, as amended, do pass. Report adopted.

JUDICIARY (Shockley, Chairman):
HB 482, introduced bill, be amended as follows:

2/20/2003

1. Title, page 1, line 6.
Following: "FOR"
Insert: "THE OTHER PARTY'S"

2. Page 1, line 17.
Strike: "not"

3. Page 1, line 18.
Following: "of the"
Insert: "other"
Following: "or the"
Insert: "other"

4. Page 1, line 24.
Following: "of"
Insert: "a third party or of"
Following: the second "the"
Insert: "indemnifying"
Following: "or the"
Insert: "indemnifying"

And, as amended, do pass. Report adopted.

HB 540, introduced bill, be amended as follows:

1. Page 4, line 24.
Insert: "(7) If the clerk of court is satisfied that a person whose name is drawn is deceased, mentally incompetent, or has permanently moved from the county, the person's name must be omitted from the jury list. The reason for the omission must be entered in the minutes of the court."

HOUSE JOURNAL
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 20, 2003

2. Page 5, line 11.

Strike: "2004"

Insert: "2005"

3. Page 5, line 15.

Strike: "2005"

Insert: "2006"

And, as amended, do pass. Report adopted.

HB 571, introduced bill, be amended as follows:

1. Title, page 1, line 10 through line 12.

Strike: "CLARIFYING" on line 10 through "COMMERCE;" on line 12

2. Title, page 1, line 18 through line 20.

Strike: "PROVIDING" on line 18 through "ASSOCIATION;" on line 20

3. Title, page 1, line 23.

Strike: "30-14-103,"

4. Title, page 1, line 24.

Strike: "30-14-1412,"

5. Page 2, line 18 through line 26.

Strike: section 2 in its entirety

Renumber: subsequent sections

6. Page 9, line 15 through page 10, line 5.

Strike: section 12 in its entirety

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

HB 615, do pass. Report adopted.

STATE ADMINISTRATION (Barrett, Chairman):

2/20/2003

HB 563, introduced bill, be amended as follows:

1. Title, page 1, line 6.

Following: "ADMINISTRATOR"

Insert: ", WITH CERTAIN EXCEPTIONS"

2. Page 1, line 16.

Following: "administrator."

Strike: "A"

Insert: "With the exception of an immediate family member, as defined in 15-30-602, or a guardian, a"

And, as amended, do pass. Report adopted.

HOUSE JOURNAL
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 20, 2003

HB 689, introduced bill, be amended as follows:

1. Page 3, lines 5 through 7.

Following: the first "who" on line 5

Strike: remainder of line 5 through line 6 in its entirety

Insert: "receives"

Following: "payment" on line 7

Strike: "to influence legislation or official action"

Insert: "that"

2. Page 3, line 8.

Following: "4"

Strike: remainder of line 8 through "expenses"

3. Page 3, line 13.

Following: "legislation or"

Insert: "official"

Strike: "an elected local official or"

Insert: "a"

4. Page 3, line 15.

Following: "for"

Insert: "lobbying"

5. Page 6, lines 1 and 2.

Following: "(iii)" on line 1

Strike: remainder of line 1 through "4" on line 2

6. Page 6, lines 7 and 8.

Following: "legislator" on line 7

Strike: remainder of line 7 through "federal official." on line 8

7. Page 6, lines 9 and 10.

Following: "legislator" on line 9

Strike: remainder of line 9 through "federal official." on line 10

8. Page 6, line 24.

Strike: ", as provided in 15-30-101."

Insert: "adopted by the commissioner by rule. The rule must be written to reflect the change in the consumer price index from the prior year to the year in which general elections are held."

9. Page 7, line 14.

Following: "occurrences"

Insert: "concerning filing or reporting"

Following: "."

Insert: "This section may not be construed to require a refund of any fee paid on or after September 1, 2002."

And, as amended, do pass and be placed on the consent calendar. Report adopted.

HOUSE JOURNAL
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 20, 2003

MOTIONS

Representative R. Brown moved **HB 705** be taken from the Committee on Taxation and be rereferred to the Committee on Appropriations. There being no objection, so ordered.

Representative R. Brown moved **HB 701** be taken from the Committee on State Administration and be rereferred to the Committee on Judiciary. There being no objection, so ordered.

Representative R. Brown moved **HB 716** be taken from the Committee on State Administration and be rereferred to the Committee on Taxation. There being no objection, so ordered.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Brown moved that the House adjourn until 12:00 p.m., Friday, February 21, 2003. Motion carried.

House adjourned at 3:15 p.m.

MARILYN MILLER
Chief Clerk of the House

DOUG MOOD
Speaker of the House